

ZB# 89-52

Robert Boiardi

62-9-40 & 41

Prelim.

10/23/89.

Matter tabled
pending signing
of Agreement w/TNW

2nd Prelim.

Nov. 13, 1989.

Motion to schedule

P.H. - 11/13/89

11/14/89 Aps. ~~to be~~ furnished

Dec. 11, 1989.

Public Hearing

Public Held - Matter tabled
No Hearing held - notification of
due to improper notification of
Notice to Sentinel provided
on 11/22/89 - P.B.

Public Hearing!

~~Dec. 11, 1989~~

Jan. 8, 1990

Called Sentinel on

12/12/89 to reconfirm

if new date

Area visited

Granted

1/8/90.

General Receipt

11109

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

Jan. 16 19 90

Received of Robert Boiarde \$ 25.00 ~~xx~~

Twenty-five and 00 DOLLARS

For ZBA Application Fee - #89-52

DISTRIBUTION.

FUND	CODE	AMOUNT
CR # 104		25.00

By Pauline M. Townsend
es

Town Clerk
Title

NEW WINDSOR ZONING BOARD OF APPEALS

-----x

In the Matter of the Application of

DECISION GRANTING
AREA VARIANCE

ROBERT BOIARDI

#89-52.

-----x

WHEREAS, ROBERT BOIARDI, R. D. #4, Sycamore Drive, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals for 7/7.67 ft. side yard variance to obtain a Certificate of Occupancy for a residence with attached concrete steps located at the above address in an R-4 zone; and

WHEREAS, a public hearing was held on the 8th day of January, 1990 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared in behalf of himself; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the bulk regulations with regard to side yard in order to obtain a Certificate of Occupancy for a residence with attached concrete steps in an R-4 zone.

3. The evidence presented by applicant substantiated the fact that variances for less than the allowable side yards would be required in order for applicant to obtain a Certificate of Occupancy for an existing residence with attached concrete steps which otherwise would conform to the bulk regulations contained in the R-4 zone and rejection of same would cause practical difficulty since the relief sought by applicant is not substantial in relation to the required bulk regulations.

4. The evidence presented by the applicant showed that the house was inadvertently located on the lot in a skewed manner, not according to the filed plans, and immediately adjacent to a 10 ft. wide sewer easement which runs along the westerly boundary of the lot. Consequently, the concrete steps which provide access to the house were constructed within said sewer easement and also too close to the side property line, creating

the necessity for side yard variances for single side yard width and also for total side yard width.

5. The evidence further showed that the applicant and the Town of New Windsor have entered into an easement agreement, for the use of Sewer District #23, which provides a sewer line and a storm drainage easement over the applicant's property. The terms of this easement make the applicant responsible for all costs of removing or replacing the stairs or any structures for ingress/egress which are within the easement area.

6. The evidence presented included a copy of a January 2, 1990 letter of Richard D. McGoey, Engineer for the Town, concerning an ongoing drainage problem at the site. The applicant presented evidence that the drainage problem predated the ownership of the property. That it impacted him, as well as his neighbors, and that recent redirecting of the water flow by the Town of New Windsor caused the drainage to flow onto a neighbor's property. The applicant indicated that he was willing to redirect the natural flow of the water back to the original ditch location, if necessary.

7. The evidence showed that the Town's rights in the sewer easement were adequately protected by the terms of the October 31, 1989 easement.

8. The evidence further showed that any continuing drainage problems would be addressed by the applicant, the Engineer for the Town and the Building Department before a Certificate of Occupancy was issued for the dwelling.

9. Evidence was presented by applicant which substantiated the fact that the requested variances will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

10. The requested variances will produce no effect on the population density or governmental facilities.

11. That there is no other feasible method available to Applicant which can produce the necessary results other than the variance procedure.

12. The interest of justice would be served by allowing the granting of the requested variances.

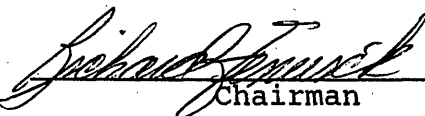
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT the 7/7.67 ft. side yard variance sought by Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: February 26, 1990.


Chairman

(ZBA DISK#1-053085.FD)

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 52

Request of Robert Boiardi

for a VARIANCE of

the regulations of the Zoning Local Law to

permit existing porch w/ insufficient
side yards;

being a VARIANCE of

Section 48-12 - Table of Use/Bulk Reg. - Col. F.

for property situated as follows:

R.D. 4 - Sycamore Dr., New Windsor, N.Y.

known & designated as Tax map

Section 62 - Blk. 9 - Lots 40 & 41

SAID HEARING will take place on the 11th day of
December, 1989., at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

James Nugent.
Chairman

E A S E M E N T

EASEMENT granted this 31 day of October, 1989, in consideration of the sum of ONE (\$1.00) DOLLAR, the payment of which is hereby waived, the undersigned, ROBERT BOIARDI, residing at (no number) Shore Drive, R. D. 4, New Windsor, N. Y. 12550, hereinafter called "Grantor", hereby grants unto the TOWN OF NEW WINDSOR, a municipal corporation having its office at 555 Union Avenue, Town of New Windsor, Orange County, New York, hereinafter called the "Grantee", for the use of Sewer District #23, a perpetual right-of-way and right of entry, to enter upon and lay, install, operate, maintain and replace a pipe, pipeline, manhole or manholes, and appurtenances for conveying sewage through the property of the Grantor which is described in Schedule A attached and also grants onto the Grantee a storm drainage easement over and through the same area as above mentioned.

The Grantor reserves the right to use and enjoy the said premises except for the rights and privileges herein described and granted, provided that such use shall not interfere with or cause injury or damage to the said sanitary sewer line or appurtenances thereto or to the storm drainage system.

This Easement is made upon the following expressed conditions and reservations which shall run with the land and be binding upon and inure to the benefit of the Grantor and the Grantee and their respective successors, heirs or assigns:

(a) That the Grantee shall, at its own cost and expense after completion of the original construction and the completion of any future repairs to the sanitary sewer line, restore the surface of said lands and premises to substantially the same condition as before such construction or repairs, except, however, the Grantor shall be responsible for all costs incurred in removing and replacing stairs or any other structure now existing or constructed within the easement area for ingress or egress to the dwelling.

(b) That the systems placed in or under said right-of-way shall, at all times, remain the property of the Town of New Windsor and under its control and supervision and the Grantor and its successors and assigns shall not interfere with or cause injury to said systems.

(c) That the Grantor shall have the right to enter at any manhole or other location along the sewer line easement for the purpose of connecting to the said systems.

(d) That the Grantor shall have the right to pave any section of the said easement area for the purpose of parking or drainage facilities. The Grantor shall also have the right to place a set of stairs to service the main floor of the existing structure providing, however, Grantor remains responsible for the obligations set forth in paragraph (a) hereof.

(e) That the Grantor at his own expense agrees to maintain the property near the road so as to direct the road drainage to reach and enter the culvert.

(f) The consent of the Grantor to erect or maintain a set of stairs or other structures on the easement area shall not be deemed consent by the Town of New Windsor for encroachment into the side yard requirements established by the Town of New Windsor Zoning Local Law and Grantor acknowledges that any encroachments into the side yard or any other variation from the Zoning Local Law must be approved by the Zoning Board of Appeals of the Town of New Windsor.

TOWN OF NEW WINDSOR

(SEAL)

By: George A. Green, Supervisor

Robert Boiardi
Robert Boiardi

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

On the ____ day of _____, 19____, before me personally appeared George A. Green, to me known, who being by me duly sworn, did depose and say that he resides in the Town of New Windsor, New York, that he is the Supervisor of the TOWN OF NEW WINDSOR, the municipal corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that it was so affixed by Order of the Town Board of said corporation, and that he signed his name thereto by like order.

Notary Public

STATE OF NEW YORK)

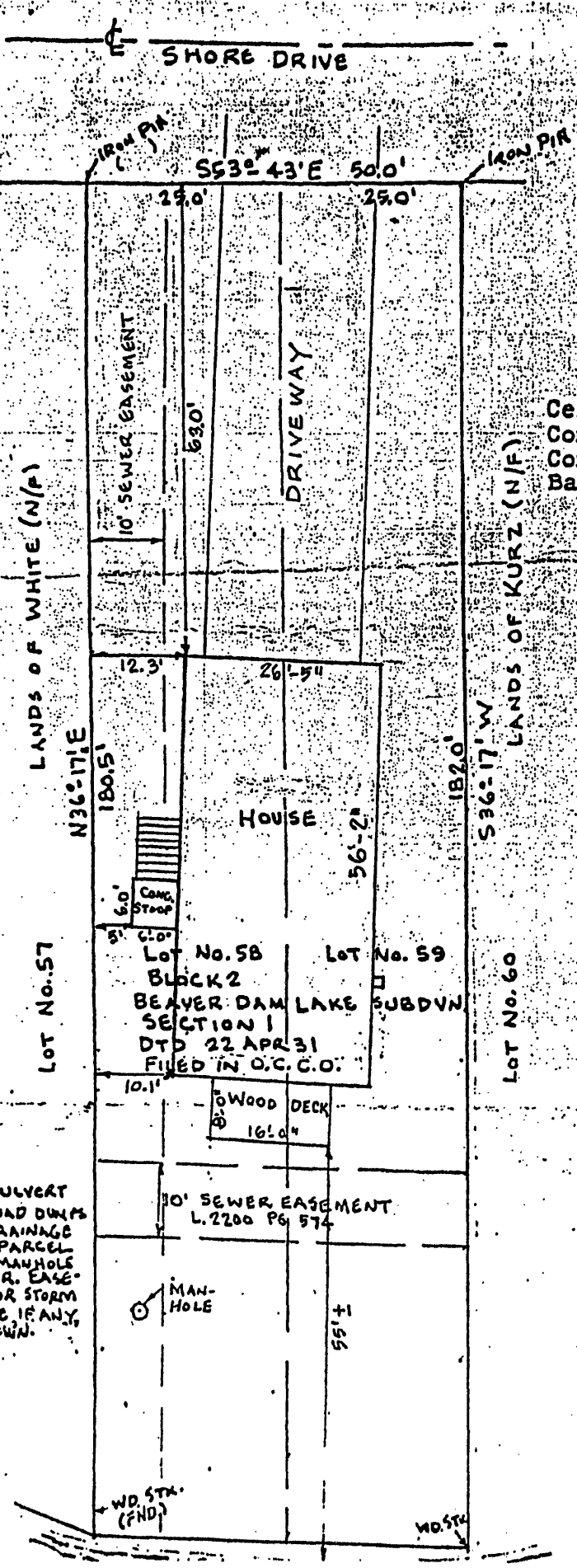
) SS.:

COUNTY OF ORANGE)

On this 31 day of October, 1989, before me personally appeared ROBERT BOIARDI, to me known, and known to me to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same.

Elliott M. Weiner
Notary Public

ELLIOTT M. WEINER
Notary Public, State of New York
Qualified in Orange County
Commission Expires August 31, 1991



Certified Correct & Accurate to
Commonwealth Land Title Insurance
Company & to Poughkeepsie Savings
Bank & to Robert Boiardi

SURVEY

Lands Of

Robert Boiardi

Town of New Windsor
Orange Co., N.Y.

Certified Correct:

Sidney L. Horvath, C.E.

P.E. & L.S. 27130

Monticello, N.Y. 14 Oct 87.

Scale: 1" = 20'

As Built 7 Nov 88

Rev. 9 Dec 88

NOTE: CULVERT
UNDER ROAD DUMPS
STORM DRAINAGE
ON THIS PARCEL
SEWER MANHOLE
IN REAR. EASE-
MENTS FOR STORM
DRAINAGE, IF ANY,
NOT SHOWN.



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Rev. 6/22/89

Helim.

10/23/89.

#89-52

1763

NOTICE OF DISAPPROVAL OF BUILDING PERMIT

FILE NUMBER 88-147

TO: ROBERT BOIARDI

RD 4 SYCAMORE DR.

NEW WINDSOR, N.Y.

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 19 DEC 88,

FOR PERMIT TO RECIEVE C.O.

AT HOUSE ON SHORE DR. IS DISSAPROVED ON THE

FOLLOWING GROUNDS INSUFFICIENT SETBACKS

ZONE R-4

TYPE OF VARIANCE AREA

REQUIREMENTS

PROPOSED

VARIANCE

SIDE YARDS 12'24'

5'16.33'

7'7.67'

existing porch w/

CALL PAT BARNHART (ZBA SECRETARY) AT 565-8550 FOR APPOINTMENT

Pat Barnhart

BUILDING/ZONING INSPECTOR

TOWN OF NEW WINDSOR
ORANGE COUNTY, N. Y.
OFFICE OF ZONING - BUILDING INSPECTOR

CERTIFICATE OF OCCUPANCY
NOTICE OF DISAPPROVAL OF ~~APPLICATION~~ APPLICATION

File No. 88-147

Date 19 DEC 19 88

To ROBERT BOIARDI

RD-4 SKAMORE DR

NEW WINDSOR, N.Y. 12550

PLEASE TAKE NOTICE that your application dated 19 DEC 19 88

for permit to PERMIEVE C.O.

at the premises located at STORE DR (NON-CONFORMING LOT)

is returned herewith and disapproved on the following grounds:

FRONT DOOR PORCH BUILT ON SEWER
EASEMENT, INSUFFICIENT SIDE YARD
CLEARANCE.

B. J. Pullen

Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>5,000'²</u>	<u>✓</u>	<u>11,111</u>
Min. Lot Width <u>50</u>	<u>✓</u>	<u>11,111</u>
Road Front Yd		

CERTIFICATE OF OCCUPANCY
NOTICE OF DISAPPROVAL OF APPLICATION

File No. 88-147

Date 19 DEC 19 88

To ROBERT BOIARDI
RD-4 SYCAMORE DR
NEW WINDSOR, N.Y. 12550

PLEASE TAKE NOTICE that your application dated 19 DEC 19 88
 for permit to PERCEIVE C.O.

at the premises located at STORE DR (NON-CONFORMING
LOT)

is returned herewith and disapproved on the following grounds:

FRONT DOOR PORCH BUILT ON SEWER
EASEMENT, INSUFFICIENT SIDE YARD
CLEARANCE.

Bio Pullin
 Building Inspector

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>5,000'²</u>	<u>✓</u>	
Min. Lot Width <u>30'</u>	<u>✓</u>	
Reqd. Front Yd. <u>35'</u>	<u>✓</u>	
Reqd. Side Yd. <u>12' 24'</u>	<u>10' 12.43'</u>	<u>1.9' 12.57'</u>
Reqd. Rear Yd. <u>40'</u>	<u>✓</u>	
Reqd. Street Frontage* <u>50'</u>	<u>✓</u>	
Max. Bldg. Hgt. <u>30'</u>	<u>✓</u>	
Min. Floor Area* <u>1,000'²</u>	<u>✓</u>	
Dev. Coverage* <u>7%</u>	<u>7%</u>	<u>7%</u>
Floor Area Ratio** <u>0.7</u>	<u>0.7</u>	<u>0.7</u>

* Residential Districts only

** Non-residential districts only

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT
Pursuant to New York State Building Code and Town Ordinances

Date..... July 23 1987.....

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

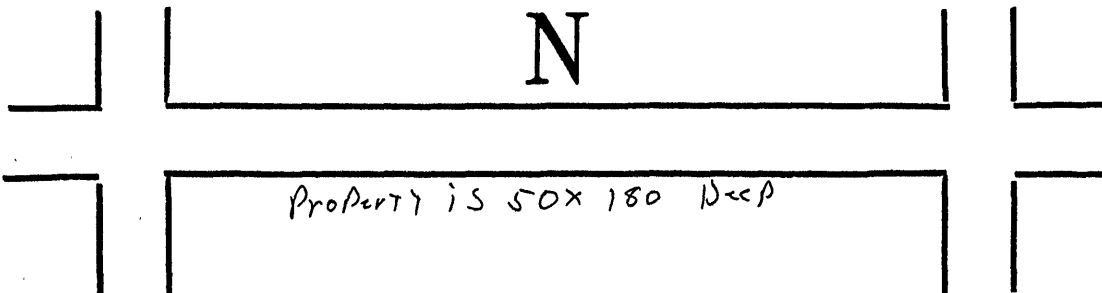
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Robert Basan.....
(Signature of Applicant)

RD 4 SYCAMORE DV NEW WINDSOR.....
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals.....

Pursuant to New York State Building Code and Town Ordinances

Date July 23 1987..

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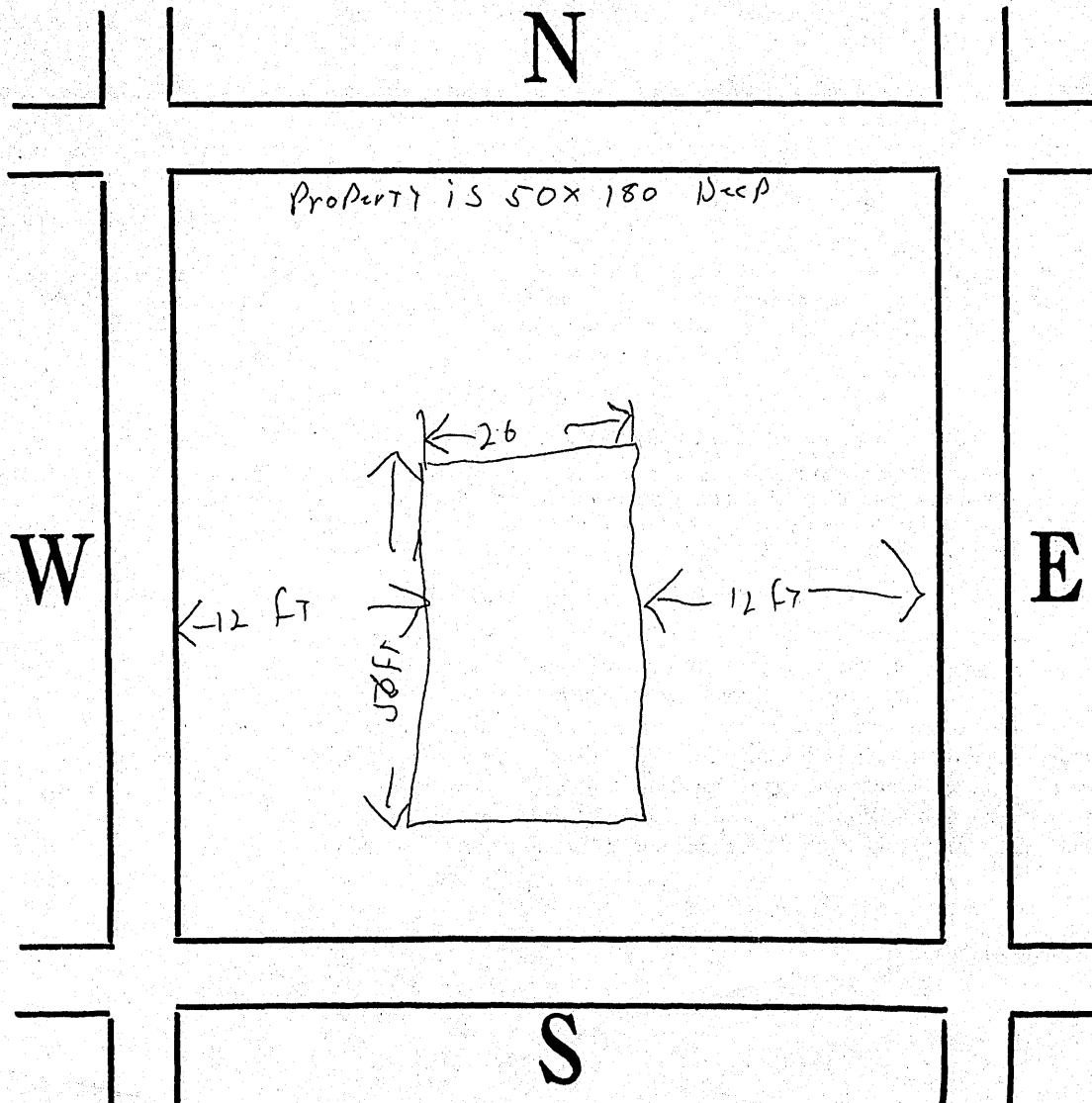
Robert Bacarik
(Signature of Applicant)

RD 4 STATEMORE DV NEW WINDSOR
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Name of Owner of Premises Robert Boiardi
Address RD 4 Sycamore Dr New Windsor Phone 496 5828

Name of Architect.....

Address..... Phone

Name of Contractor VAN D. YETTER HOMES

Address STroulsberg PA Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder.....

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the LK RD. Beaver Dam side of South (Lake side) STORE
(N. S. E. or W.)

andfeet from the intersection of.....

2. Zone or use district in which premises are situated

3. Tax Map description of property: Section..... 62 Block..... 9 Lot..... 40 + 41 20758 + 59

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:

a. Existing use and occupancy VACANT lot b. Intended use and occupancy House 1 family

5. Nature of work (check which applicable): New Building.....☒ Addition..... Alteration..... Repair..... Removal.....

Demolition..... Other.....

6. Size of lot: Front..... 50 Rear..... 180 Depth..... Front Yard..... Rear Yard..... Side Yard.....

Is this a corner lot? N.P.

7. Dimensions of entire new construction: Front..... 26 Rear..... 26 Depth..... 56 Height..... Number of stories..... 1

8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....

Number of bedrooms..... 3 Baths..... 2 Toilets..... 2

Heating Plant: Gas..... Oil.....☒ Electric...../Hot Air..... Hot Water.....

If Garage, number of cars..... 2

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....

10. Estimated cost..... 50 Th Fee..... 270.00/100
(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estim

Address STroudsburg, PA Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder.....
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the LK RD. Beaver Dam side of South (Lake side) STORE
(N. S. E. or W.)
andfeet from the intersection of.....
2. Zone or use district in which premises are situated
3. Tax Map description of property: Section 62 Block 9 Lot 40 + 41 LOT 58 + 59
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
a. Existing use and occupancy VACANT lot b. Intended use and occupancy House 1 family
5. Nature of work (check which applicable): New Building ☒ Addition..... Alteration..... Repair..... Removal.....
Demolition..... Other.....
6. Size of lot: Front 50 Rear 180 Depth..... Front Yard..... Rear Yard..... Side Yard.....
Is this a corner lot? N.P.
7. Dimensions of entire new construction: Front 26 Rear 26 Depth 56 Height..... Number of stories 1
8. If dwelling, number of dwelling units..... Number of dwelling units on each floor.....
Number of bedrooms 3 Baths 2 Toilets 2
Heating Plant: Gas..... Oil ☒ Electric...../Hot Air..... Hot Water.....
If Garage, number of cars 2
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....
10. Estimated cost 50 Th Fee 270.00/100
(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

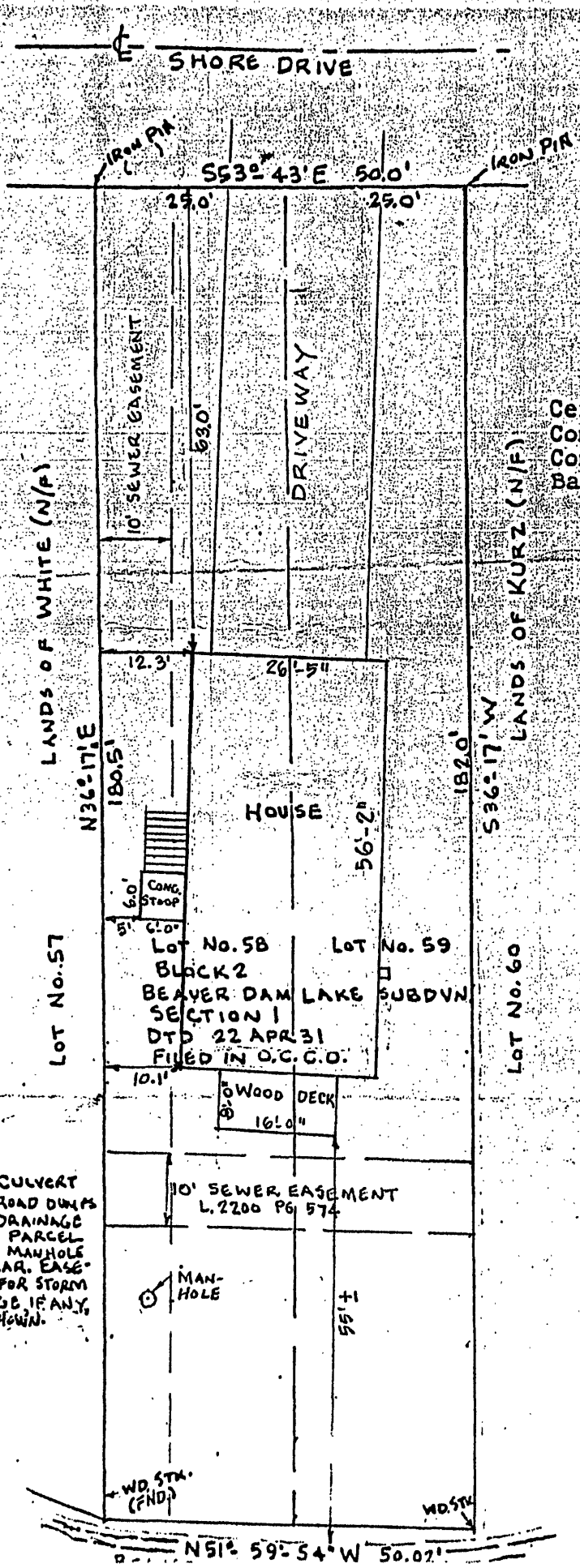
IMPORTANT

REQUIRED INSPECTIONS OF CONSTRUCTION — YOU MUST CALL FOR THESE

Other inspections will be made in most cases, but those listed below **must** be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections, it has not been approved, and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS — 565-8807

- 1—When excavating is complete and footing forms are in place (before pouring).
- 2—Foundation Inspection - check here for waterproofing and footing drains.
- 3—Inspect gravel base under concrete floors, and underslab Plumbing.
- 4—When framing is completed, and before it is covered from inside, and Plumbing rough-in.
- 5—Plumbing final & final. Have on hand Electrical Inspection Data per the Board of Fire Underwriters, and final certified plot plan. Building is to be complete at this time.
- 6—Driveway inspection must meet approval of town Highway Inspector.
- 7—\$20.00 charge for any site that calls for the same inspection twice.



Certified Correct & Accurate to
Commonwealth Land Title Insurance
Company & to Poughkeepsie Savings
Bank & to Robert Boiardi.

SURVEY

Lands Of

Robert Boiardi

Town of New Windsor
Orange Co., N.Y.

Certified Correct:

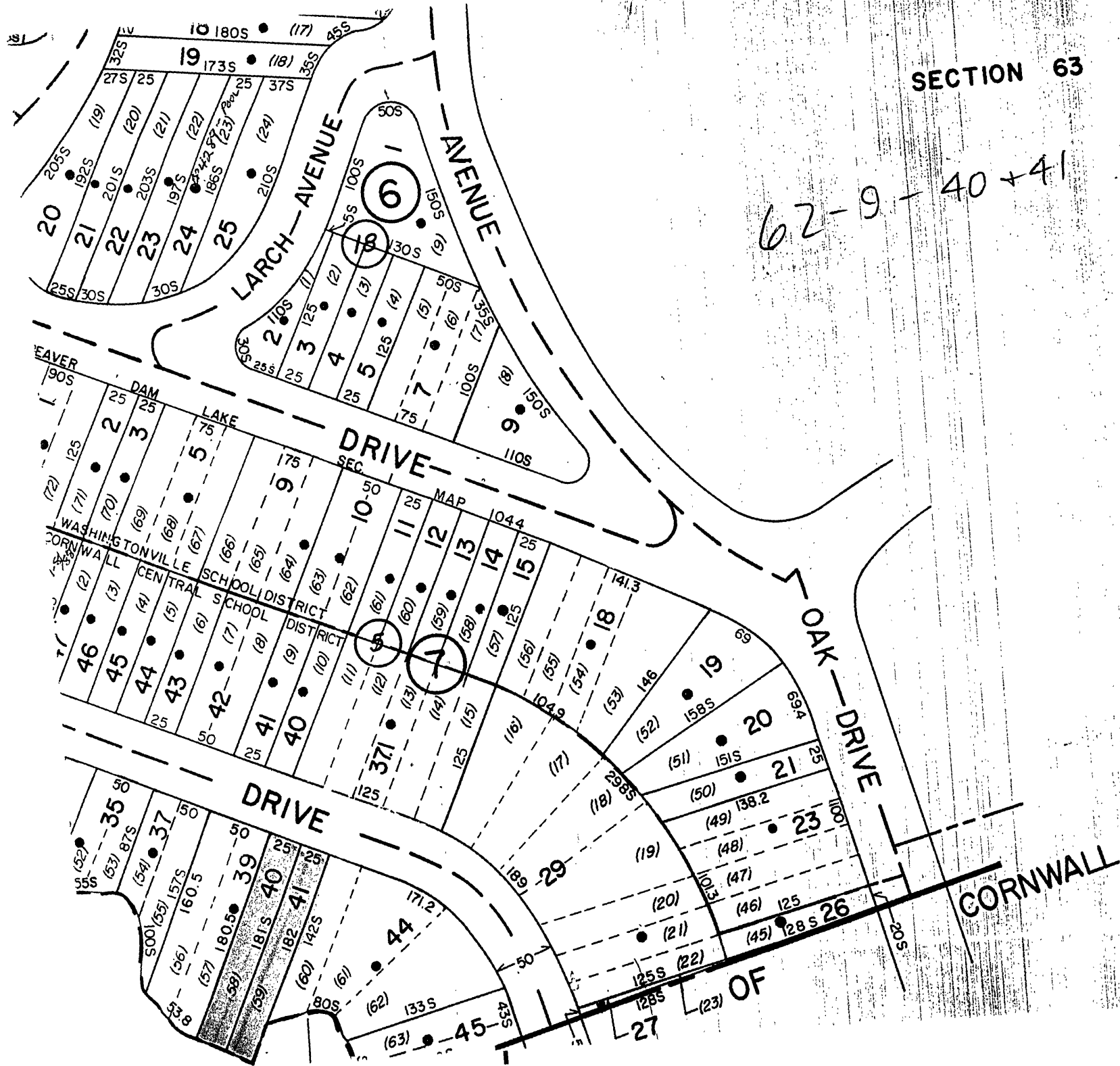
Sidney L. Stewart, C.E.
P.E. & L.S. 27130

Monticello, N.Y. 14 Oct 87.
Scale: 1" = 20'

As Built 7 Nov 88
Rev. 9 Dec 88

SECTION 63

62-9-40+41





McGOEY and HAUSER
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600



RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
Associate

Licensed in New York,
New Jersey and Pennsylvania

27 May 1988

Town of New Windsor
Town Hall
555 Union Avenue
New Windsor, NY 12550

ATTENTION: FRED FAYO

SUBJECT: DRAINAGE PROBLEM; BOIARDI PROPERTY,
SHORE DRIVE BEAVER DAM LAKE

Dear Skip:

Please be advised that we received a call from a Mr. Robert Boiardi of Shore Drive on 27 May 1988 in regard to his drainage problem. Apparently Mr. Boiardi has constructed a modular home on a lake front parcel off of Shore Drive immediately in front of a town storm drain pipe. Mr. Boiardi has not made provision for carrying the storm water flows around his house to Beaver Dam Lake and, therefore, this has resulted in the flooding of the lower level of his dwelling unit.

We asked Mr. Boiardi why he hadn't made provisions for the run-off water during the site planning for his dwelling unit and he indicated that he did not know that the storm water flows were as significant as found during the recent rains.

Mr. Boiardi suggested that if the Town of New Windsor were to provide him with the storm drainage pipe he would install the storm drain across his property to avoid the continuation of damage to his dwelling unit.

RECEIVED
JUN 06 1988

MCGUIRK, LEVINSON, ZECOLA
SEAMAN, REINEKE & ORNSTEIN, P.C.

Town of New Windsor

-2-

27 May 1988

There may not be any obligation on the part of the Town in this regard, however, please advise our office as to your feeling in this regard and if you should have any questions in the interim, please call.

Very truly yours,

McGOEY AND HAUSER
CONSULTING ENGINEERS, P.C.

Richard D. McGoe
Richard D. McGoe, P.E.
Principal

RDMnje

cc: Supervisor George Green
Mike Babcock, Building Inspector
Tad Seaman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

January 2, 1990

Town of New Windsor Building Department
555 Union Avenue
New Windsor, NY 12553

ATTENTION: MICHAEL BABCOCK, BUILDING INSPECTOR

SUBJECT: ROBERT BOIARDI DWELLING UNIT - SHORE DRIVE
BEAVER DAM LAKE

Dear Mike:

In line with our meeting of 2 January 1990 and your request to follow up on complaints received from the adjoining property owners with respect to storm water runoff from the Boiardi property, the undersigned of our office performed a field review on 2 January in an effort to determine the cause of the problems being experienced. The following is a summary of our findings:

During our field review, we observed that Mr. Boiardi excavated a drainage ditch along the westerly side of his property to divert the runoff water formally traversing his site away from his house toward Beaver Dam Lake. The exact location of this drainage ditch, with respect to Mr. Boiardi's property line, could not be determined in light of the fact that the maps provided by Mr. Boiardi for the improvements to his property did not show the westerly property boundary. However, the ditch line near the concrete steps on the side of the dwelling unit is approximately 10' from the side of the dwelling unit. The ditch line meanders along the boundary of the properties and results in a discharge across the adjoining property near the lake. Without benefit of an accurate survey, it is difficult to determine if the ditch line, or a portion there of, has been constructed on the adjoining property.

With respect to the storm water discharge along the easterly side of the dwelling unit, it appears based on our field observation that storm water flows which come down the Boiardi driveway will also be discharged onto the adjoining property on the easterly side. On the other hand, the rough map provided by Mr. Boiardi, which has been marked up in red recently, would indicate that storm water flows were to follow along the Boiardi property line parallel with the house and stay within the limits of the Boiardi property. This is not presently the case.

On the basis of the above, it would be our recommendation that Mr. Boiardi be requested to contain all storm water flows within his property limits thereby avoiding damages to the adjoining property owners. In addition, as formally requested by the Town Attorney, Mr. Boiardi should have his engineer finalize the plans used to construct the site improvements which now should include the as built improvements as well as any other proposed improvements necessary to correct the problems outlined above. This map should not simply be a marked up copy of the originally prepared map by Mr. Boiardi's engineer as formally submitted marked up in red.

The problems identified above appears to be a direct result of the construction of the dwelling unit on the Boiardi property and we would, therefore, recommend the Zoning Board of Appeals and Building Department approvals be withheld until corrective action can be implemented or, otherwise, guaranteed by the applicant. If you should have any questions in the interim, please contact our office.

Very truly yours,

Richard D. McGoe, P.E.
Richard D. McGoe, P.E.,
Engineer for the Town

RDM:mlm

cc: George Green, Supervisor
Tad Seaman, Attorney for the Town
James Nugent, Chairman Zoning Board of Appeals
Joseph Rones, Esq. - Planning Board Attorney



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

1763

November 20, 1989

40

Robert Boiardi
RD 4 Sycamore Dr.
New Windsor, NY 12550

RE: 62-9-40 & 41

Dear Mr. Boiardi:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$55.00, minus your deposit of \$ 25.00.

Please remit balance of \$30.00 to the Town Clerk, Town of New Windsor, NY.

Sincerely,

Leslie Cook/co

LESLIE COOK
Sole Assessor

LC/po
Enc.
cc: Patricia Barnhart

Vella, Charles & Frederica
c/o Vincent Doce ✓
15 New Rd.
Newburgh, NY 12550

Kuriplach, Andrew R. & Elizabeth
RD 4, Oak Dr. ✓
New Windsor, Ny 12550

Sarnowski, Richard G. ✓
RD 4, Box 296, Oak Dr. ✓
New Windsor, NY 12550

Abouelezz, Ahmed & Grace ✓
RD 4, Box 295, Oak Dr. ✓
New Windsor, NY 12550

Laux, Frederick T. & Florence ✓
RD 4 Willow Ave. ✓
New Windsor, NY 12550

Ciccone, Paul M. & Joanne ✓
RD 4, Box 495, Maple Avenue ✓
New Windsor, NY 12550

Kelly, James G. & Marie A. ✓
Oak Drive ✓
New Windsor, NY 12550

Law, Walter B. & Deborah C. ✓
RD 4, Box 299, Oak Drive ✓
New Windsor, NY 12550

Tretola, Joseph & Debra ✓
299B Oak Dr. ✓
New Windsor, NY 12550

VanderEssen, Adeline ✓
315 Shore Dr. ✓
New Windsor, NY 12550

Moschitta, John & Concetta
& Michael & Loretta ✓
RD 4, Box 299D, Oak Dr. ✓
New Windsor, NY 12550

Cardinal, Thomas K. & Andrea ✓
RD 4, Box 300, Oak Dr. ✓
New Windsor, NY 12550

Carlough, Joan M. ✓
RD 4, 301 Oak Dr. ✓
New Windsor, NY 12550

Vassas, Robert & Lynnea ✓
RD 4, 302 Oak Dr.
New Windsor, NY 12550

Bombardi, Joseph & Columbia Consigli ✓
34-09 Bell Blvd.
Bayside, NY 11361

Martellaro, Joseph A. & Patricia A.
Box 311, RD 4, Shore Dr. ✓
New Windsor, NY 12550

Palmer, Melville I. Jr. ✓
Box 312, RD 4, Shore Dr. ✓
New Windsor, NY 12550

White, Jerry K. ✓
Box 314, RD 4, Shore Dr.
New Windsor, NY 12550

Siegel, Bertha ✓
c/o Spindel, C. ✓
P.O. Box 4444
New Windsor, NY 12550

Monteforte, Gregory & Odile M.
RD 4, Box 317, Shore Dr. ✓
New Windsor, NY 12550

Mylonas, Chris Tomas & Gloria
Box 318, RD 4, Shore Dr.
New Windsor, NY 12550

Schimenti, Dolores M. ✓
Apt. 2H 300 E 51 St. ✓
New York, NY 10022

Schimenti, Mariano & Dorothy M.
1227 Barry Dr. South ✓
Valley Stream, NY 11580

Widmayer, William & Adele ✓
Box 323, RD 4, Shore Dr. ✓
New Windsor, NY 12550

Aceto, Louise F. ✓
RD 4, Shore Dr. ✓
New Windsor, NY 12550

Dalcin, Lynn A. ✓
RD 4, Box 3188, Shore Dr. ✓
New Windsor, NY 12550

Beaver Dam Lake Water Corp. ✓
c/o Helen O'Leary ✓
RD 4, Box 530 B, Shore Dr. ✓
New Windsor, NY 12550

Dondysh, Leon ✓
233 E. 86th St.
New York, NY 10028

Lowe, James Jr. & Catherine ✓
RD 4, Shore Dr.
New Windsor, NY 12550

Zumbo, Mario S. & Adeline ✓
RD 4, Box 500, Shore Dr.
New Windsor, NY 12550

Broadhurst, Robert Jr. ✓
36 Bull Rd.
Washingtonville, NY 10992

Kurz, Anna ✓
Box 503, Shore Dr.
New Windsor, NY 12550

Mirabile, Charles & Margaret ✓
RD 4, Box 504, Shore Dr.
New Windsor, NY 12550

Cuttica, Ronald G. & Ramona L. ✓
291 Oak-Dr.
New Windsor, NY 12550

Ferris, William & Margaret A. ✓
RD 4 Willow Ave.
New Windsor, NY 12550

Scarazzini, Gilbert ✓
Box 294, RD 4, Willow Ave.
New Windsor, NY 12550

Bothwell, James & Karen ✓
RD 2, Box 285, Mt. Airy Rd.
New Windsor, NY 12550

Farrell, Robert G. & Charlotte M. ✓
RD 4, Box 285, Oak Dr.
New Windsor, NY 12550

Savino, Dominick ✓
238-26-115 Terrace
Elmont, NY 11003

Lovely, Robert C. & Mary E. ✓
Box 286B, Oak Dr.
New Windsor, NY 12550

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

89-52

Date: 11/22/89.

I. Applicant Information:

- (a) Robert Bojardi, R.D. 4 - Sycamore Dr., New Windsor, N.Y. X
(Name, address and phone of Applicant) (Owner)
- (b) -
(Name, address and phone of purchaser or lessee)
- (c) -
(Name, address and phone of attorney)
- (d) -
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation.

III. Property Information:

- (a) R-4 (Same as above) 62-9-40841 50 x 180 ±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? N/A
- (c) Is a pending sale or lease subject to ZBA approval of this application? N/A
- (d) When was property purchased by present owner? 1987
- (e) Has property been subdivided previously? No When? -
- (f) Has property been subject of variance or special permit previously? No When? -
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A

IV. Use Variance: N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____

- (b) ^{N/A.} The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/61K Regs., Col. F.

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd. <u>12' 24'</u>	<u>5' 16.33'</u>	<u>7' 7.67'</u>
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

Porch structure was inadvertently built on an easement area. Applicant has agreement w/ Town for maintenance of easement area. Applicant's request is not substantial with respect to bulk regulations. No changes to aesthetics of neighborhood is proposed. No other way to alleviate relief other than variance.

VI. Sign Variance: ^{N/A.}

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) ^{N/A} Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) ^{N/A} What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation: ^{N/A}

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

- (b) Describe in detail the proposal before the Board:

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

No drastic changes to neighborhood - which
is zoned residential.

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
☒ Copy of tax map showing adjacent properties.
☒ Copy of contract of sale, lease or franchise agreement.
☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
☒ Copy(ies) of sign(s) with dimensions.
☒ Check in the amount of \$ 25.00 payable to TOWN OF NEW WINDSOR.
☒ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 11/22/89.

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

x Robert Boiardi
(Applicant)

Sworn to before me this

22nd day of November, 1989.

Patricia A. Barnhart

XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
- Special Permit is _____
- (c) Conditions and safeguards: _____
- _____
- _____
- _____

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1991

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

12/11/89

Public Hearing - ^{Boiardi, Robt.}
~~Quality Home Builders~~

Name:

Robert Broadhurst

Address:

P. O. Box 11 - Washingtonville